

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

YOLANDY PADILLA, et al.,

Plaintiffs,

v.

US IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Defendants.

CASE NO. C18-928 MJP

DECLARATION OF RUSSELL HOTT

I, Russell Hott, hereby declare as follows:

1. I am an acting Deputy Assistant Director in the Office of Enforcement and Removal Operations (ERO) of U.S. Immigration and Customs Enforcement (ICE) located in Washington, D.C. I began my tenure with the United States Government in 2002, with the U.S. Immigration and Naturalization Service (INS) as a Detention Enforcement Officer within the New York Field Office. I have served in a multitude of key positions within the agency including Immigration Enforcement Agent, Deportation Officer, Instructor, Supervisory Detention and Deportation Officer, acting Assistant Field Office Director, Deputy Chief of Staff, Chief of Staff, National Program Manager, Unit Chief, and Deputy Field Office Director. Currently, I am the Field Office Director for the Washington Field Office. These programs focus on the border security, interior enforcement, and public safety.

2. My responsibilities include oversight of 12 of ERO's 24 field offices, policy

development and implementation, financial management, contingency planning, interior enforcement, detention and removal, international collaboration, and infrastructure security.

3. ICE is the principal investigative arm of the Department of Homeland Security (DHS). ICE's primary mission is to promote homeland security and public safety through the criminal and civil enforcement of federal laws governing border control, customs, trade, and immigration. ICE provides public safety and security for the American public through the enforcement of our immigration laws.

4. ERO is one of the two principal operational components in ICE, the other being the Office of Homeland Security Investigations (HSI). ERO oversees programs and conducts operations to identify and apprehend removable aliens, to detain these individuals when necessary, and to remove illegal aliens from the United States.

5. On April 16, 2019, the Attorney General decided: "that all aliens transferred from expedited to full proceedings after establishing a credible fear are ineligible for bond." *Matter of M-S*, 27 I&N Dec. 509, 519 (A.G. 2019). The effective date of this decision was delayed 90 days so that DHS may "conduct the necessary operational planning for additional detention and parole decisions." *Id. Matter of M-S* becomes effective on July 15, 2019.

6. At this time, ERO does not intend to re-detain aliens who, after having established credible fear, have an ICE custody release determination or an Immigration Court final bond determination pursuant to INA § 236 issued prior to July 15, 2019.

7. However, for an alien previously released on bond or other conditions who violates the terms of their release or is otherwise encountered in a criminal setting, ERO intends to revoke the original custody determination and re-detain pursuant to ICE detention authorities under applicable regulations and legal precedents which are effective on the date of the encounter.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 30, 2019



Russell Hott
Acting Deputy Assistant Director
ERO Headquarters, Washington, D.C.